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**MEMO ENDORSED**

November 29, 2007

Honorable Kevin N. Fox  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 540  
New York, NY 10007

Re: Polanco v. Kim  
Docket Number: 07CV7700 (DLC) (KNF)  
Our File Number: 07K0908

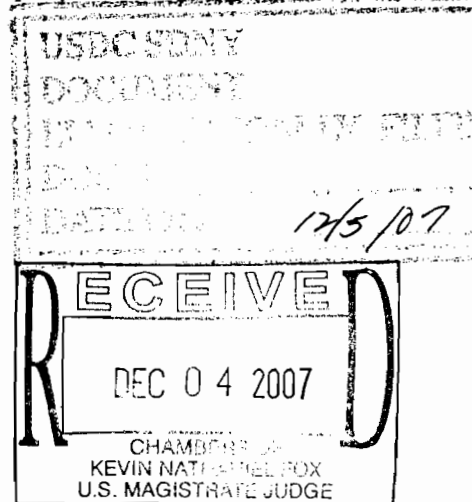
Dear Honorable Sir:

We are the attorneys for the defendant Young Kim in the above-captioned action. We are writing in regard to the settlement conference which has been scheduled before Your Honor for January 15, 2008 at 10:30 a.m. We are writing to request an adjournment of the settlement conference.

We are requesting an adjournment of the settlement conference on two grounds. The first one is that, as of today, I have a conflict with a previously scheduled arbitration in a case arising in the Eastern District of New York for January 15, 2008. In addition, the deadline for discovery set by Judge Cote was for February 29, 2008. We have conferred with plaintiff's counsel and have agreed that it would be unlikely that we would have all the necessary discovery for a productive conference by January 15, 2008. At the present time we have scheduled the depositions for December 17, 2007. The physical examination, which we would conduct after the depositions, even if done prior to January 15<sup>th</sup>, 2008, would probably not result in a report by the date of the conference.

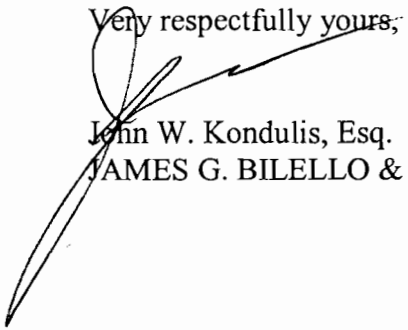
Ms. Stotland, plaintiff's counsel, consented to an adjournment of the conference in our telephone conversation of November 27, 2007. We would request that the conference be rescheduled for a date in early March 2008. I am currently scheduled to start a lengthy trial in the Eastern District of New York in the case of Colon v. Cole Bros. Circuit, 04-CV-3606, starting on February 4, 2008. As of the present date I have no conflicting dates for early March except for March 7, 2008.

12/5/07  
Application granted.  
The settlement conference  
will be held on March 4, 2008,  
at 2:30 p.m. SO ORDERED.  
Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX, U.S.M.J.



Thank you for your attention to this matter.

Very respectfully yours,



John W. Kondulis, Esq.

JAMES G. BILELLO & ASSOCIATES

JWK/jp

CC:

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